

REMARKS

Applicants have carefully reviewed this Application in light of the Office Action mailed May 6, 2004 (Paper No. 3). Claims 1-22 are pending in this Application. Claims 1-6, 8, 14-16, 18, and 22 stand rejected under 35 U.S.C. §102(e) and Claim 21 stands rejected under 35 U.S.C. §103. Claims 9-13 are allowed and Claims 7, 17, 19, and 20 stand objected to as being dependent upon a rejected base claim. Applicants have amended Claims 1 and 14 to further define various features of Applicants' invention. Applicants respectfully request reconsideration and favorable action in this case.

Rejections under 35 U.S.C. §102

Claims 1-6, 8, 14-16, 18, and 22 stand rejected by the Examiner under 35 U.S.C. §102(e) as being anticipated by U.S. Patent No. 6,708,265 issued to David Black ("Black").

Black discloses a storage network. An enterprise logical volume identifier ("ELVID") is assigned to a logical volume and used to translate between its logical name and its physical location. (Col. 22, Lines 19-25). The assigned ELVID is independent of the physical location such that if the logical volume were to move, the ELVID would remain the same. (Col. 22, Lines 44-50).

Claim 1, as amended, recites a computer system comprising "an agent module operable to . . . map the second logical unit to a host address associated with the first logical unit in response to detecting the failure at the first logical unit."

Claim 14, as amended, recites a method comprising the step of "mapping the second logical unit to a host address associated with the first logical unit when the backup data transfer from the second storage device is complete."

Applicants respectfully submit that the cited reference fails to disclose each and every element of Applicants' invention. Black fails to teach a computer system comprising "an agent module operable to . . . map the second logical unit to a host address associated with the first logical unit in response to detecting the failure at the first logical unit," as recited in amended Claim 1. Black also fails to disclose or suggest a method for providing automatic data

restoration comprising the step of “mapping the second logical unit to a host address associated with the first logical unit when the backup data transfer from the second storage device is complete,” as recited in amended Claim 14. The cited reference fails to disclose the recited limitations and, therefore, cannot anticipate Claims 1 and 14.

Given that Claims 2-6 and 8 depend from Claim 1, and Claims 15, 16, 18 and 22 depend from Claim 14, Applicants respectfully submit that Claims 2-6, 8, 15, 16, 18 and 22 are allowable. As such, Applicants respectfully request that the Examiner withdraw the rejections and allow Claims 1-6, 8, 14-16, 18 and 22.

Rejections under 35 U.S.C. §103

Claim 21 stands rejected under 35 U.S.C. §103(a) as being unpatentable over Black in view of the *Microsoft Computer Dictionary* (“Microsoft”).

Claim 21 depends from and provides further patentable limitations to allowable Claim 14. Accordingly, Applicants respectfully request that the Examiner reconsider, withdraw the rejection and allow Claim 14.

Allowed Subject Matter

Applicant appreciates Examiner’s careful review of the Application and indication that Claims 9-13 are allowed. Applicants further appreciate Examiner’s consideration and indication that Claims 7, 17, 19, and 20 would be allowable if written in independent form to include all of the limitations of the base claim and any intervening claims. Applicants will await further decision on the remaining claims before taking further action regarding these claims.

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CONCLUSION


Applicants appreciate the Examiner's careful review of the application. Applicants have now made an earnest effort to place this case in condition for allowance in light of the amendments and remarks set forth above. For the foregoing reasons, Applicants respectfully request reconsideration of the rejections and full allowance of Claims 1-22, as amended.

Applicants believe there are no additional fees due, however, the Commissioner is hereby authorized to charge any additional fees or credit any overpayment to Deposit Account No. 02-0383 of Baker Botts L.L.P.

If there are any matters concerning this Application that may be cleared up in a telephone conversation, please contact Applicants' attorney at 512.322.2581.

Respectfully submitted,

BAKER BOTTS L.L.P.
Attorney for Applicants

A handwritten signature in black ink, appearing to read "Paula D. Heyman", with a long horizontal flourish extending to the right.

Paula D. Heyman
Reg. No. 48,363

Date: July 2, 2004

SEND CORRESPONDENCE TO:

Baker Botts L.L.P.

CUSTOMER ACCOUNT NO. **23640**

512.322.2581

512.322.8328 (fax)